

# **Chapter 4:**

# ***Wetlands***



2002 Edition



# Chapter 4: Wetlands

## Introduction

Wetlands regulation in New Hampshire focuses on the sustainable use and preservation of the transition zone between dry land and open water (including underwater habitats). Coastal zone wetlands have been regulated since 1967, with the New Hampshire Port Authority exercising initial jurisdiction over work in wetlands along New Hampshire's seacoast. In 1969, the New Hampshire Special Board was established by RSA 483-A to issue permits and to regulate work in or near inland, freshwater wetlands. Its members included representatives from the Water Resources Board, Fish and Game Department, Department of Safety, Water Supply and Pollution Control Commission, Department of Highways, and the Department of Resources and Economic Development. In 1971, the membership of the Special Board was extended by including a second representative from each of the Fish and Game Department and Water Supply and Pollution Control Commission, as well as the Director of the Division of Parks and one representative from the Office of Planning and Research in the Division of Economic Development. After a decade of service, the Special Board was replaced through an amendment to RSA 483-A that established the New Hampshire Wetlands Board, effective on August 22, 1979. The Wetlands Board membership was expanded to include three members from the public appointed by the Governor and confirmed by the Executive Council, including a local conservation commission member, an elected municipal official, and a member of a soil or water conservation district. On January 2, 1987, the New Hampshire Department of Environmental Services ("DES") began operations as the state's first comprehensive environmental agency, which resulted in further administrative changes to the Wetlands Board. Effective January 1, 1990, RSA 483-A was re-codified as RSA 482-A ("Fill and Dredge in Wetlands", <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>). Finally, effective August 9, 1996, the Wetlands Board was replaced by a newly-created Wetlands Council, whose role was narrowed to hearing appeals of permit decisions and reviewing the policy, performance, and rulemaking activities of the DES Wetlands Bureau. The authority to render all permitting decisions was transferred to the DES to be implemented through its Wetlands Bureau (see <http://www.des.state.nh.us/wetlands/>). DES's wetlands program currently operates under RSA 482-A and NH CODE ADMIN. RULES Wt 100-700 ("Wetlands Bureau Code of Administrative Rules", <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>).

## Wetland Functions, Delineation, and Types

Wetlands play a critical natural role in maintaining a healthy environment, enhancing public safety, providing nursery areas for important plant and animal species, and promoting outdoor enjoyment (see <http://www.des.state.nh.us/factsheets/wetlands/wb-7.htm>). Wetland functions include flood storage and mitigation, natural cleansing of contaminated surface water runoff, shoreline stabilization, erosion control, groundwater recharge, wildlife habitat, and protected spawning areas for important commercial finfish and shellfish; wetlands also provide educational and recreational opportunities.

Wetland boundaries generally are defined by means of the relative presence or absence of poorly and very poorly drained soils (called "hydric soils"), the relative presence or absence of plant species that prefer to grow in water-saturated conditions (termed "hydrophytic vegetation"), and the existence of inundation or water saturation during significant portions of the growing season (termed "hydrology"). These three criteria form the backbone of modern wetlands science, and provide the basis for DES Wetlands Bureau regulation of the resource in New Hampshire. Wetland boundaries are delineated using the United States Army Corps of Engineers' ("Army Corps") manual entitled **Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1** dated January 1987 (see <http://www.wes.army.mil/el/wetlands/pdfs/wlman87.pdf>). The manual entitled **Field Indicators for Identifying Hydric Soils in New England** (Version 2, July 1998), is published by the New England Interstate Water Pollution Control Commission and provides additional New England-specific guidance for classifying wetland soils (see <http://www.neiwpcc.org/field%20indicators%20guide.pdf>). A good source of wetland plant information can be found on the U. S. Department of Agriculture's Web page at (see <http://plants.usda.gov/>).

Different types of wetlands are found in a wide variety of settings across the state where the land meets the water and include drainage swales, hillside seeps, vernal (spring) pools, scrub-shrub swamps, marshes, bogs, fens, wet meadows, and forested wetlands. The U. S. Fish & Wildlife Service's (a.k.a. Cowardin's) ***Classification of Wetlands and Deep Water Habitats of the United States*** provides a useful source of information, data, color slides, and evaluation criteria for determining what type of wetland is under consideration (see [http://wetlands.fws.gov/Pubs\\_Reports/Class\\_Manual/class\\_titlepg.htm](http://wetlands.fws.gov/Pubs_Reports/Class_Manual/class_titlepg.htm)).

### Surface Waters and Other Jurisdictional Areas

RSA 482-A also provides protection for the state's surface waters and the banks adjacent to those surface waters. Jurisdictional surface waters and adjacent areas include intermittent and perennial streams, rivers, lakes, ponds, sand dunes, salt marshes, estuaries, the tidal buffer zone, the Atlantic Ocean, and lands within 100 feet of the highest observable tide line. Surface waters are regulated for environmental reasons and because the state has a responsibility to protect the public trust uses of those areas. Vernal pools and marshes are considered surface waters in addition to being wetlands. Forested wetlands provide vital habitats for both upland and wetland-dependent plant and animal species (see *Clues to Identifying Forested Wetlands*, <http://www.des.state.nh.us/factsheets/wetlands/wb-14.htm>). However, forested floodplains may or may not be classified as a wetland, and thus may or may not lie within the jurisdiction of either the DES Wetlands Bureau or the Army Corps, depending upon such factors as soils, plant life, and extent/duration of annual inundation. For more discussion on forested floodplains, see Technical Bulletin #15, (***What is a Floodplain Forest***, [http://www.state.nh.us/osp/library/docs/forested\\_floodplains/TB15.pdf](http://www.state.nh.us/osp/library/docs/forested_floodplains/TB15.pdf)), published by the New Hampshire Office of State Planning.

The Army Corps' jurisdiction with wetland matters is governed by Section 404 (of the federal Clean Water Act) "individual permits" for discharges to surface waters of the United States (see [http://www.epa.gov/r5water/pdf/ecwa\\_t4.pdf](http://www.epa.gov/r5water/pdf/ecwa_t4.pdf)) or the federal River and Harbor Act of 1899, as amended (see <http://www4.law.cornell.edu/uscode/33/ch12.html>) for projects that may affect navigation in federal channels. In June 1992, DES signed an agreement with the Army Corps, known as the State Programmatic General Permit (or "NHSPGP", <http://www.des.state.nh.us/wetlands/nhspgp.htm>), that was designed to shorten the parallel processing times for applications to each agency and tighten the coordination of decisions issued by state and federal wetland permitting authorities. New Hampshire was one of the first states in the nation at that time to sign such an agreement to streamline the dual permitting roles of the Army Corps (see <http://www.nae.usace.army.mil/reg/index.htm>) and the DES Wetlands Bureau.

Finally, the regulation of swim rafts, swim lines (see Saf-C 404.08), moorings (see Saf-C 408), buoyed slalom courses/water event permits for water skiing contests, boat races, *etc.* (see Saf-C 413), and other similar offshore structures/activities is administered by the New Hampshire Department of Safety through its Division of Safety Services, pursuant to RSA 270 ("Supervision of Navigation; Registration of Boats and Motors; Common Carriers by Water", <http://gencourt.state.nh.us/rsa/html/indexes/270.html>) and NH CODE ADMIN. RULES Saf-C 400 (see <http://www.gencourt.state.nh.us/rules/saf-c400.html>). The Division of Safety Services is headquartered at 31 Dock Road in Gilford, New Hampshire 03249-7626. Telephone: (603) 293-0091; fax: (603) 293-0096; or online: <http://www.state.nh.us/safety/ss/>

### Permits Required

The DES Wetlands Bureau application process provides the means for balancing the various interests among the effected parties to a proposal that will impact jurisdictional areas while seeking to protect the overall viability of the wetland resource and public trust interests in surface waters of the state. Any individual or entity (including homeowners, land developers, farmers, foresters, business owners, civic organizations, municipalities, public utilities, or governmental agencies) that wishes to carry out a project that will impact jurisdictional wetlands, surface waters, or adjacent areas in New Hampshire must apply for a permit before commencing work. Examples of such work include the dredging or filling of wetlands; installation of dams,

culverts and bridges; construction of a dock (permanent or non-exempt seasonal); construction of a breakwater or retaining wall; and repair/replacement of existing structures located in a jurisdictional area.

### **Avoidance/Minimization/Mitigation**

A key component of any project design is to seek to avoid wetland impacts whenever and wherever possible. If avoidance is not possible and reasonable alternatives exist, the applicant should minimize alteration of the wetland areas by choosing the least impacting alternative available. For certain projects, the applicant also may be required to mitigate unavoidable impacts by creating or restoring wetlands or by protecting valuable wetland and upland complexes. Mitigation is considered only when project impacts have been shown to be unavoidable and represent the least impacting alternative. Therefore, when designing a project, be sure to follow the hierarchy of avoidance, minimization, and mitigation in justifying the proposed impacts to wetlands. If this is successfully accomplished prior to submittal, it will save valuable time and effort for both the applicant and DES during the processing of the application.

### **Allied Programs**

Other DES programs play a pivotal role in wetlands permitting, and may add time to the process of obtaining a wetlands permit decision. The New Hampshire Lakes Management and Protection Program focuses its attention on proposed wetland projects (and their potential impacts) in or adjacent to New Hampshire's more than 800 lakes and ponds, pursuant to RSA 483-A ("New Hampshire Lakes Management and Protection Program", <http://gencourt.state.nh.us/rsa/html/indexes/483-A.html>; see also <http://www.des.state.nh.us/factsheets/r&l/rl-1.htm>). The Comprehensive Shoreland Protection Act, RSA 483-B (see <http://gencourt.state.nh.us/rsa/html/indexes/483-B.html>; see also <http://www.des.state.nh.us/cspa/>), requires DES to review proposed projects for compliance with standards that protect the environmental integrity of the protected shoreland zone, which by definition extends 250 feet landward from the water's edge (see <http://www.des.state.nh.us/factsheets/sp/sp-5.htm>). DES guidance on the Shoreland Protection Program also is available in *The Critical Edge - Shoreland Protection Reference Guide* (see <http://www.des.state.nh.us/cspa/FILES/Lawrules.pdf>). DES's Rivers Management Protection Program (see <http://www.des.state.nh.us/rivers/>) provides expert advice and review concerning wetland impacts within or close to New Hampshire's river systems pursuant to RSA 483 ("New Hampshire Rivers Management and Protection Program", <http://gencourt.state.nh.us/rsa/html/indexes/483.html>; see also <http://www.des.state.nh.us/factsheets/r&l/rl-2.htm>). More information on rivers protected by this program can be found at <http://www.des.state.nh.us/rivers/designriv.htm> and <http://www.des.state.nh.us/rivers/map-1.htm>.

### **Summary**

The Wetlands Bureau in the DES Water Division is charged with the primary administration of the wetlands program (see <http://www.des.state.nh.us/wetlands/>). Appeals of Wetlands Bureau permit decisions or orders issued for violations of program requirements should be directed to the Wetlands Council (see <http://www.des.state.nh.us/councils/#4>; see also <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>).

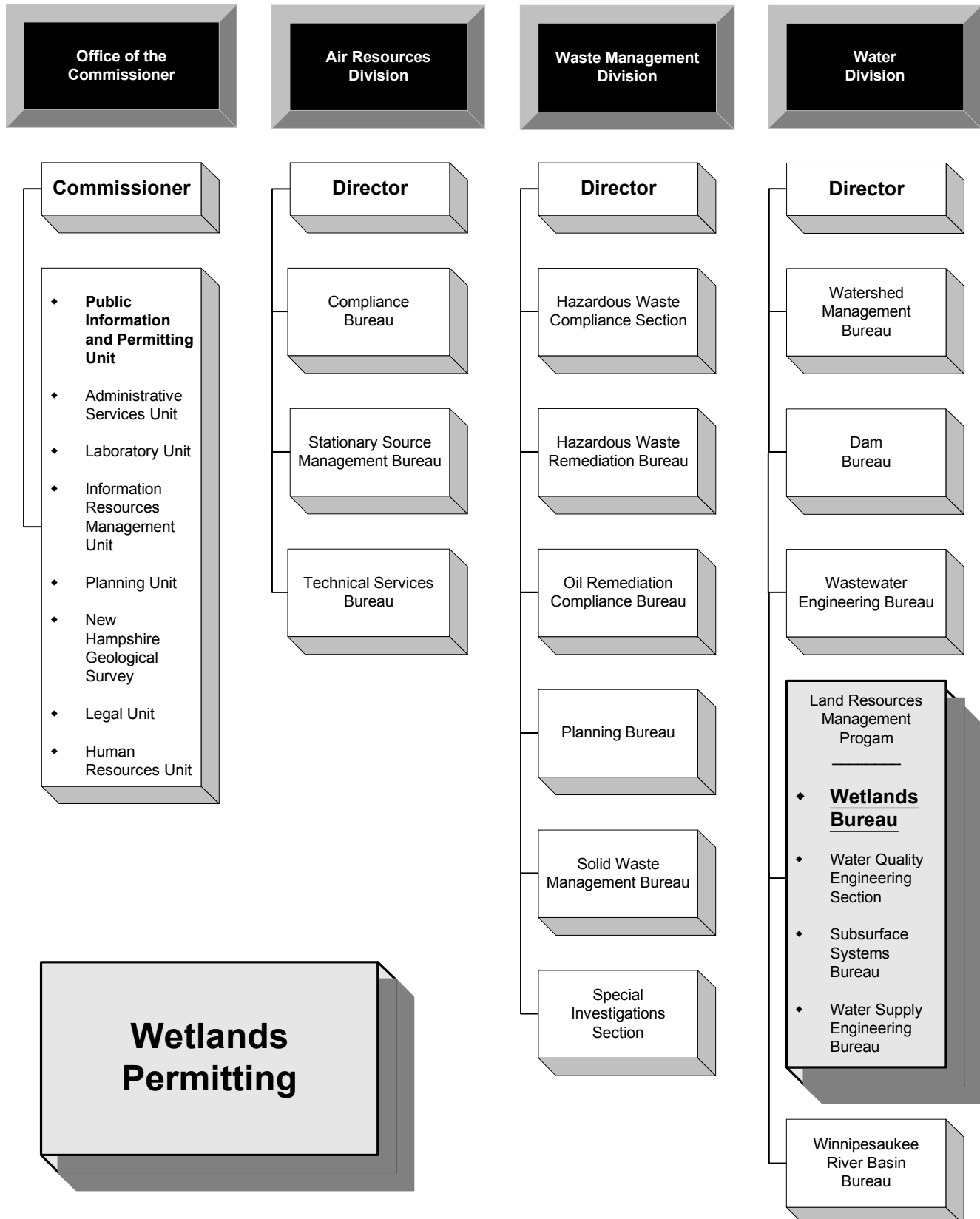
## **Chapter Contents**

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- ✓ **Standard Dredge and Fill Permit – Emergency Authorization**
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- ✓ **Minimum Impact Agricultural Permit**
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- ✓ **Minimum Impact Forestry Notification**
- ✓ **Seasonal Dock Notification for Lakes and Ponds**
- ✓ **Minimum Impact Trail Development Notification**

# Organizational Chart

## New Hampshire Department of Environmental Services







## Standard Dredge and Fill – Major/Minor/Minimum Impact Projects

**Introduction:** New Hampshire has regulated tidal wetlands since 1967 and non-tidal wetlands since 1969. Permits are required to dredge, fill, or construct a structure in a wetland, surface water, sand dune area, or upland tidal buffer zone, or adjacent to a municipally-designated prime wetland (see RSA 482-A:15 (“Fill and Dredge in Wetlands/Local Option; Prime Wetlands”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-15.htm>). Wetlands have also been regulated by the U. S. Army Corps of Engineers (“Army Corps”) since 1972 under the federal Clean Water Act (see [http://www.epa.gov/r5water/pdf/ecwa\\_t4.pdf](http://www.epa.gov/r5water/pdf/ecwa_t4.pdf)). In 1992, the Army Corps issued the first New Hampshire State Programmatic General Permit or “NHSPGP” (see <http://www.des.state.nh.us/wetlands/nhspgp.htm>). This agreement allows more than 99 percent of the wetland permits issued by DES to serve also as a federal permit. A single application to DES will usually satisfy both state and federal application requirements. If a dock, dam, building, or other structure is to be constructed in or adjacent to the bank or bed of any of the rivers that form New Hampshire’s boundary (particularly the Connecticut River), the project applicant also must apply to the Commissioner of the New Hampshire Department of Transportation pursuant to RSA 1:8-10 (“State Boundaries”, <http://gencourt.state.nh.us/rsa/html/I/1/1-8.htm>) for certification and a permit for the boundary work.

All projects that do not qualify for the Minimum Impact Expedited Permit (see description elsewhere in this chapter of the *Guidebook*) and all after-the-fact applications (including after-the-fact applications involving minimum impact projects), require application through the Standard Dredge and Fill Application process. Thus, a Standard Dredge and Fill Application process is required for projects in bogs, marshes, sand dunes, the undeveloped tidal buffer zone, or a publicly-owned water body (tidal waters, “Great Ponds,” and impoundments behind State-owned dams); projects in or adjacent to municipally designated prime wetlands; projects that have more than 50 linear feet of cumulative impact (including the channel plus each bank) to a stream or river; most projects exceeding 3,000 square feet of new impact in a forested wetland or a wet meadow; and new structures that exceed the criteria for a standard seasonal dock. **Note:** Any project that impacts a jurisdictional wetland resource that has been identified as an exemplary natural community, or that provides critical habitat for an endangered or threatened species, is classified as a major project, regardless of the amount of impact or type of resource (see [http://www.nhdfi.org/organization/div\\_nhnhi.htm](http://www.nhdfi.org/organization/div_nhnhi.htm)). Projects located along designated rivers must also comply with RSA 483 (“New Hampshire Rivers Management and Protection Program”, <http://gencourt.state.nh.us/rsa/html/indexes/483.html>). More information on designated rivers and protected river segments is provided at <http://www.des.state.nh.us/rivers/designriv.htm> and <http://www.des.state.nh.us/rivers/map-1.htm>.

The applications for major, minor, and minimum impact projects are quite similar; the primary difference is in the level of documentation required and, frequently, the degree of public scrutiny afforded based on the potential impacts to jurisdictional areas. Applications for all three types of projects require scaled or dimensioned plans, photographs, a 7½-minute U. S. Geological Survey quadrangle map and a tax map showing the location of the project, a detailed description of the project, an “alternatives analysis,” and a narrative response to the “20 questions” of NH CODE ADMIN. RULE Wt 302.04, some of which may not apply to all types of projects. The DES Wetlands Bureau is drafting a guidebook specifically to address wetlands permit issues (see <http://www.des.state.nh.us/wetlands/Guidebook>), which is intended to be an additional resource for applicants. If the project involves a major or minor impact to wetlands, those wetlands must be delineated on the basis of three criteria [presence or absence of hydrophytic vegetation (see <http://plants.usda.gov/>), hydric soils, and wetlands hydrology in accordance with the Army Corps manual entitled **Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1** dated January 1987 (see <http://www.wes.army.mil/el/wetlands/pdfs/wlman87.pdf>) and the manual **Field Indicators for Identifying Hydric Soils in New England** (Version 2, July 1998) published by the New England Interstate Water Pollution Control Commission (see <http://www.neiwpcc.org/field%20indicators%20guide.pdf>). The U. S. Fish and Wildlife Service’s (a.k.a., Cowardin’s) **Classification of Wetlands and Deep Water Habitats of the United States** (available at [http://wetlands.fws.gov/Pubs\\_Reports/Class\\_Manual/class\\_titlepg.htm](http://wetlands.fws.gov/Pubs_Reports/Class_Manual/class_titlepg.htm)) also can serve as a valuable reference for these projects. Projects that are classified as “minimum impact” (generally less than

3,000 square feet) may be delineated either on the basis of soils or plants alone (see NH CODE ADMIN. RULE Wt 301.01).

Major, minor, and minimum impact applications may differ in the DES review process. All major impact projects are field-inspected by a DES wetland specialist, whereas only selected minor and minimum impact projects are inspected to gauge potential direct and indirect impacts. There also is a greater likelihood that a public hearing will be conducted if the proposed work is classified as a “major impact” project. Under the NHSPGP, minimum impact projects can be assumed to have a federal permit if the Army Corps does not contact the applicant within 30 days following a DES Wetlands Bureau decision on the application; applicants for minor impact projects must either wait 30 days or receive written authorization from the Army Corps (whichever comes first) before starting work in wetlands; and applicants for major impact projects must wait for formal written authorization from the Army Corps (regardless of elapsed time) prior to initiation of work. Additional information about the NHSPGP can be found at <http://www.des.state.nh.us/wetlands/nhspgp.htm>. Additional information on specific project types, rules, application forms, and fact sheets can be obtained at <http://www.des.state.nh.us/wetlands>, or paper copies may be obtained from the DES Public Information Center. Specific questions can be directed to the DES Wetlands Bureau at (603) 271-2147 or by E-mail at [wetmail@des.state.nh.us](mailto:wetmail@des.state.nh.us). Project officials may request a pre-application meeting with a DES Wetlands Bureau inspector to discuss the details of a proposed project before submitting an application for the work.

**Average number of permits issued annually:** 900

**Fees:** \$100 per boat slip requested plus \$0.04 per square foot of impact requested (not necessarily granted), with a \$50 minimum. Example #1) 7,000 sq. ft. of wetland impact:  $7,000 \times \$0.04 = \$280$ . Example #2) 6-foot by 30-foot permanent dock (2 slips @ \$100/slip) = \$200. Example #3) 300 square feet of tidal marsh:  $300 \text{ sq. ft.} \times \$0.04 = \$12$ , therefore fee = \$50.

**Estimated processing time after application is deemed “complete”:** 60 days. Major impact projects with unusual or unique characteristics, those with considerable public opposition, or projects with unusually complex applications may take longer.

**Permit duration:** 5 years (10 years for certain public transportation projects)

**Permit transferability:** Applicants may request a name change by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission (or board of selectmen if there is no conservation commission); with a request that provides the permit number and the name, address, and telephone number of the new owner. Assuming no outstanding compliance issues exist, an amended permit is typically issued within two weeks.

**Permit modification:** An amendment may be requested by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission (or board of selectmen if there is no conservation commission). The request should provide an explanation of the requested amendment and why it is needed. An additional fee and new plans may be necessary. The amendment must be designated for work that is directly related to the purpose of the original permit. A request for permit modification will trigger a reassessment of the federal permit status by the Army Corps.

**Permit renewal:** Permits may not be renewed.

**State statute:** RSA 482-A (“Fill and Dredge in Wetlands”, <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 100-700 (“Wetlands Bureau Code of Administrative Rules”, <http://www.des.state.nh.us/wetlands/pdf/WT100-700.pdf>), Env-C 200 (“Hearing Procedure Rules”, <http://www.des.state.nh.us/rules/env-c200.pdf>), Env-C 608 (“Field Citation Fine Rules”,

<http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 ("Fines Relating to Wetlands Rules", <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 ("Wetlands Council Rules", <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 ("Fill and Dredge in Wetlands/Appeals", <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 ("Rules of Practice and Procedure"); then to the Wetlands Council under RSA 21-O:5-a ("Department of Environmental Services/Wetlands Council", <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm>, <http://www.des.state.nh.us/rules/envwtc200.pdf>, (<http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>); then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DRED, Natural Heritage Inventory, (603) 271-3623  
N. H. Fish & Game Department, (603) 271-3421  
U. S. Army Corps of Engineers, (800) 343-4789  
Council Clerk, Wetlands Council, (603) 271-6072



## Standard Dredge and Fill – Major/Minor/Minimum Impact Projects – Work Sheet

**Key Qualifier Question:** Will your project involve dredging, filling, or construction in wetlands, surface waters, banks adjacent to surface waters, areas adjacent to municipally-designated “prime wetlands”, sand dunes, or within 100 feet of the highest observable tide line in coastal areas?

**Note:** The *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>) is required for all projects that (1) don’t qualify for the Minimum Impact Expedited Permit; (2) are filed after-the-fact; or (3) represent a follow-up to an emergency authorization. The *Minimum Impact Expedited Application* may be more appropriate for many smaller projects (see <http://www.des.state.nh.us/wetlands/pdf/expedite.pdf>).

**What must you do to apply?** (See <http://www.des.state.nh.us/factsheets/wetlands/wb-8.htm>)

- Prepare a plan, or set of plans, that locates the project on the property and shows all jurisdictional areas, property boundaries, and proposed impact areas. The plan should include:
  - An indication of the scale used on the plan and a north-pointing arrow to indicate orientation.
  - A legend that clearly indicates all symbols, line types, cross-hatching or shading used on the plan
  - A delineation of the boundaries of all jurisdictional wetlands, in accordance with the 1987 Army Corps manual (see <http://www.wes.army.mil/el/wetlands/pdfs/wlman87.pdf>) The plan must indicate who did the delineation and the date that it was done.
  - Delineation of any sand dunes or the tidal buffer zone areas that may exist on the property
  - Delineation of the normal high water for all surface waters, and the top of bank adjacent to all surface waters, the direction of stream flow, and for tidal waters, show the high and low tide lines and directions of ebb/flow.
  - Identification and dimensions all existing and proposed shoreline structures. Indicate distance to any Federal Navigation Project (see <http://www.nae.usace.army.mil/reg/index.htm>), if less than 200 feet away.
  - The location of the 100 year floodplain if applicable
  - The existing and proposed topography, if slope is to be altered or grades are to be changed.
  - Cross-sections through impact site and adjacent areas should be provided.
  - A statement identifying the vertical datum being used if elevations are shown
  - Shaded or hatched areas showing the limits of all temporary and permanent impacts in jurisdiction (color may be used, but all areas must be distinct on a black and white copy by using patterns).
  - A label must be included for each impact area to indicate the size of impact and, if appropriate, its designation (e.g. “5,000 square feet”, “Temporary Impact Area 1”, etc.).
  - A narrative “construction sequence” (i.e., relative timing and progression of all work, pre-construction through post-construction)
  - Proposed methods of erosion and siltation control indicated graphically on the plan and supplemented by narrative explanation
  - If the project involves the subdivision of land, provide the information required by NH CODE ADMIN. RULE Wt 304.09 (see <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>).
  - If the project involves bank stabilization, provide the information required by Wt 404 (see <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>).
  - The name of the person who prepared the plans, cross-sections, and drawings
- Contact the New Hampshire Department of Resources and Economic Development’s Natural Heritage Inventory (see [http://www.nhdfi.org/organization/div\\_nhnhi.htm](http://www.nhdfi.org/organization/div_nhnhi.htm)) to check for the presence or absence of rare, threatened, or endangered species.
- Notify all abutters by certified mail to briefly explain the purpose and need for the proposed project, its relationship to their properties, and to indicate your intent to seek a permit from the DES Wetlands

Bureau to do the work. Jurisdictional impacts within 20 feet of a property boundary require written authorization from the abutter(s).

- Complete a *Standard Dredge and Fill Application* (<http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>) for filling, dredging, or constructing structures.
- Attach all postal receipts (or copies) to verify that abutter notifications have been completed.
- Include a U. S. Geological Survey topographical map with the project site clearly indicated on it (see <http://www.topozone.com>).
- Include a photocopy of the local tax map showing the applicant's lot number, the project's location on that property, and its relationship to the abutters' tax map/lot numbers; label the abutting properties with abutters' names.
- Prepare a brief project description and a statement of purpose and need for the work.
- Indicate the proposed start and end date for the work.
- Identify the contractor or agent (if any) responsible for the work.
- Calculate the total area of requested impact. For projects in or adjacent to surface waters, also provide the linear length of shoreline, bank, or channel impacts.
- For docks, indicate the number of both new and existing boat slips that ultimately will exist on the frontage once the work is completed. Indicate the exact location of any new structures by survey or by triangulation to permanent features on the lot (e.g., house foundation, well head, etc.).
- Include original color photographs, mounted on 8½" by 11" sheets of paper, which depict all wetland areas and/or surface water bodies to be impacted by the project.
- Submit a check or money order for the application fee (\$100 per boat slip plus \$0.04 per square foot of requested impact, with a \$50 minimum), made payable to the "Treasurer, State of New Hampshire", with the original and four copies of the completed application form and all supporting documents to the municipal clerk.
- The municipal clerk will sign the copies, certify that all abutter notifications have been made, distribute three copies among the local boards with jurisdiction, retain a fourth copy for municipal records, and forward the original via certified mail to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

**What types of wetland projects qualify for a major, minor, or minimum impact review?** (The following is a list of common examples, and should not be considered a complete listing of all potential project types.)

#### **Minimum Impact Projects –**

- ❖ The repair or replacement of a seasonal dock that does not qualify for the Seasonal Dock Notification
- ❖ Fill for lot development that impacts less than 3,000 square feet of swamp or wet meadow
- ❖ The installation of a 900 square foot perched beach for a single-family home
- ❖ A construction project that will disturb 50 linear feet or less of an intermittent stream, with work occurring during low flow periods
- ❖ A project to remove nuisance aquatic weeds by cutting roots and harvesting, with no mobilization of bottom sediments
- ❖ Repair or replacement of an existing legal structure

#### **Minor Impact Projects -**

- ❖ The construction or modification of a docking system that will yield no more than four boat slips (new, plus existing) and affects less than 100 linear feet of shoreline
- ❖ The construction of a fire pond or recreation pond (with an inlet or outlet) with less than 20,000 square feet of impact to very poorly drained soils ("Hydric A") or impacts to a stream
- ❖ Removal of less than 20 cubic yards of rocks, gravel, sand, and/or mud from public waters

- ❖ The repair or replacement of a retaining wall that requires work in the water, but results in no change to the wall's height, length, location, or configuration
- ❖ The combination of a series of minimum impact projects amounting to less than 20,000 square feet of dredge and/or fill, four boat slips or less, or cumulative impacts of less than 200 linear feet of shoreline or stream bank

### **Major Impact Projects -**

- ❖ The filling of more than 20,000 square feet of jurisdictional wetlands
- ❖ Placing fill in public waters for the purpose of making land
- ❖ Building a new retaining wall that will disturb more than 200 linear feet of a Great Pond's shoreline, constructed lakeward from the natural shoreline and below its natural mean high water level
- ❖ The construction of a marina or breakwater in public waters
- ❖ Boardwalk construction across sand dunes in the tidal buffer zone to provide beach access
- ❖ A combination of new plus prior site work (over the past five years) which exceeds 20,000 square feet of impact
- ❖ Any impacts to a wetland designated as a "prime wetland" by the host community (Check with the local municipal offices or access prime wetland information offered by DES at <http://www.des.state.nh.us/wetlands/Guidebook/primewet.htm>.) See also RSA 482-A:15 ("Fill and Dredge in Wetlands/Local Option; Prime Wetlands", <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-15.htm>).

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.





## Standard Dredge and Fill – Emergency Authorization

**Introduction:** The DES Wetlands Bureau offers this authorization to allow emergency corrective actions to be performed to stabilize such areas as streambanks, failed culverts, river impoundments, highway bridges, and coastal zone seawalls when storm forces have severely damaged or weakened them (see <http://www.des.state.nh.us/factsheets/wetlands/wb-9.htm>). An Emergency Wetlands Authorization is initiated by contacting the DES Wetlands Bureau Administrator (or, if the Administrator is not available, the regional DES Wetlands Bureau Inspector) by telephone at **(603) 271-2147** or by E-mail at [wetmail@des.state.nh.us](mailto:wetmail@des.state.nh.us) within five days following the event to report the conditions and secure an emergency approval to temporarily stabilize the site or mitigate an immediate threat to public health and safety. Following approval, the applicant will receive a mailed or faxed copy of the *Emergency Authorization Verification* form, which must be posted on site before any work begins. Once the emergency has subsided, a description of all emergency work performed and an after-the-fact application (if additional permanent repairs or restoration work is needed) must be filed to more fully document the initial repairs and define any additional non-emergency work necessary to stabilize the situation. If the emergency occurs on a weekend or holiday when State offices are closed (and the situation cannot wait), notice must be provided to local officials and sufficient work may be completed to alleviate the immediate problem or prevent a small problem from worsening, followed by a notification to DES on the next normal work day. Examples of emergency situations include a road washout, the collapse of a dike at a wastewater lagoon, the undermining of a highway bridge abutment, a solid waste landfill slump, or the threat of a dam failure.

(See also [http://www.des.state.nh.us/emergency\\_response.htm](http://www.des.state.nh.us/emergency_response.htm))

**Average number of authorizations issued annually:** Approximately 35

**Fees:** Generally, no fee is collected at the time that an Emergency Authorization is issued. However, for those projects that require a follow-up application, fees are established by RSA 482-A:3, I (“Fill and Dredge in Wetlands/Excavating and Dredging Permit; Certain Exemptions”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-3.htm>) at \$0.04 per square foot of impact requested impact, with a minimum fee of \$50.

**Estimated processing time after application is deemed “complete”:** Immediately following the initial contact with the DES Wetlands Bureau Administrator, a completed *Emergency Authorization Verification* form will be prepared and usually sent by facsimile to the applicant. This authorization allows for emergency work to be completed without further review.

**Authorization duration:** Expiration date (specified on authorization when issued) is based on expected completion of the approved work in wetlands. Typically, 10 days are allowed to complete emergency repairs. Time extensions are granted at the discretion of the DES Wetlands Bureau Administrator.

**Authorization transferability:** Non-transferable

**Authorization modification:** Typically, amendments to emergency authorizations are not necessary due to the nature of the emergency work. Authorizations may be changed only by the DES Wetlands Bureau Administrator or, if the Administrator is not available, by the regional DES Wetlands Inspector.

**Authorization renewal:** May be extended for short periods, depending on the nature of the emergency.

**State statute:** RSA 482-A (“Fill and Dredge in Wetlands”, <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 503 (“Wetlands Bureau Code of Administrative Rules”, <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 (“Field Citation Fine Rules”, <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 (“Fines Relating to Wetlands Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 (“Wetlands Council Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals body:** None. (*Standard Dredge and Fill Application* may be filed - <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DES, Wetlands Bureau (Pease Tradeport Office), (603) 433-6183  
N. H. DES, Public Information Center, (603) 271-2975 or (603) 217-8876

## Standard Dredge and Fill – Emergency Authorization – Work Sheet

**Key Qualifier Question:** *Has an emergency situation been created (as a result of natural or man-made factors) that poses an immediate and substantial threat to public safety, health, or welfare, or damage to private property that requires immediate work in wetlands or surface waterbodies to regain control of the situation?* (See also [http://www.des.state.nh.us/emergency\\_response.htm](http://www.des.state.nh.us/emergency_response.htm))

**What must you do to apply?** (See <http://www.des.state.nh.us/factsheets/wetlands/wb-9.htm>)

- Contact the DES Wetlands Bureau Administrator or the regional DES Wetlands Inspector in Concord at (603) 271-2147, at the Pease Tradeport Office in Newington at (603) 433-6183, or by E-mail at [wetmail@des.state.nh.us](mailto:wetmail@des.state.nh.us) to describe the nature of the emergency work to be performed in wetlands or surface waterbodies.
- Emergency work in wetlands may be authorized immediately, but will be strictly limited to the work needed to stabilize the immediate area. A record of the approval containing a description of the emergency conditions, work to be performed, and schedule of work will be created in cooperation with the applicant and filed at the DES Wetlands Bureau.
- Based on information supplied by the applicant, a written *Emergency Authorization Verification* will be prepared by the DES Wetlands Bureau. A copy of the written authorization will then either be mailed or faxed to the applicant for posting on site.
- After the emergency has subsided, provide a detailed description (in lieu of a Standard Application) of the work performed during the emergency period to the DES Wetlands Bureau.
- Submit a *Standard Dredge and Fill Application* (available from the local conservation commission, DES Wetlands Bureau, or online at <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>) to the DES Wetlands Bureau within the specified timeframe (usually within 10 days) following the event to request permission to retain the authorized work or to make any permanent, non-emergency repairs, restoration, or other work in wetlands.
- Submit the original and four copies of the Standard Application, all supporting documents, and data to the municipal clerk, who will sign them and distribute four copies to local boards (including the clerk's office), and forward the original by certified mail to the DES Wetlands Bureau for processing. The application will be subjected to the standard review procedure.
- **In a true emergency situation, it is possible to obtain an authorization from DES to conduct work prior to receiving a wetlands permit.** DES will issue such permission in situations which threaten public health and safety, or which threaten significant damage to private property, provided that the event which caused the emergency has occurred within the last five days. Examples include the undermining of bridge abutments, weakening of dam structures, or washouts of roadways by flood waters.
- Submit all information and support materials to: Administrator, Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

### What types of projects require this authorization?

- ❖ The repair of bridge abutment footings along a major highway that have washed out due to flooding, creating an imminent and substantial danger to the traveling public
- ❖ The repair of a wastewater lagoon's toe of slope and discharge pipe at a river's edge that have been undermined during a storm event
- ❖ The repair of a closed landfill's side slope that has slumped into a wetland area immediately downslope, exposing the solid waste deposits to the weather, potential vectors, and the public

- ❖ Responding to the threat of a dam failure during spring floods, with residences and a primary community roadway situated immediately downstream and within the dam's inundation zone (as delineated by its DES-approved Emergency Action Plan)
- ❖ The repair of a breached seawall and adjacent sand dunes damaged by a hurricane's storm surges
- ❖ The repair of a public utility pipeline, such as a sewer line or water line, where that failure may cause environmental damage or interrupt critical services necessary for maintaining public health and safety
- ❖ The repair of a road washout that occurred as a result of culvert failure

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.

## Minimum Impact Expedited Permit

**Introduction:** Over the past decade, and in response to stakeholder suggestions and legislative action, DES has identified a number of project types that typically impart a minimum impact to jurisdictional wetlands, surface waters, and adjoining areas and do not need the full scrutiny afforded to Standard Dredge and Fill Applications. The Minimum Impact Expedited Permit was created for these situations and is used for such common projects as maintenance, repair or replacement of existing legal structures such as docks, culverts, retaining walls, and tie-off pilings; the installation of a culvert for driveway access to a single-family building lot; dredging and/or filling of 3,000 square feet or less within jurisdictional wetlands, and installation of dry hydrants (see <http://www.des.state.nh.us/wetlands/pdf/expedite.pdf>). A special expedited application process also is available for seasonal dock projects that meet narrowly-defined criteria (see NH CODE ADMIN. RULE Wt 506 at <http://www.des.state.nh.us/wetlands/pdf/WT100-700.pdf>). Review the description provided for “Seasonal Dock Notification for Lakes and Ponds” provided elsewhere in this chapter. To qualify for the 30-day expedited review process (for projects other than seasonal docks on lakes and ponds), the completed application must be signed by the municipal conservation commission (see Wt 505). However, the conservation commission is under no obligation to sign. If it doesn’t, or the applicant does not wish to obtain the commission’s signature, or if the community does not have a conservation commission, the applicant must submit a DES *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>) with all supporting materials (see “Standard Dredge and Fill – Major/Minor/Minimum Impact Project” provided elsewhere in this chapter). The completed application (an original and four copies) must be submitted to the municipal clerk for signature and local distribution, with the original sent by certified mail to the DES Wetlands Bureau for processing. The expedited application must be administratively and technically complete on initial submittal to receive the 30-day turnaround time for a decision. By separating the projects that qualify for this streamlined review from those that are more complex and time-consuming, processing efficiency and customer service for all application types has been enhanced without compromising protection of wetland resources.

**Average number of permits issued annually:** 550

**Fee:** \$50

**Estimated processing time after application is deemed “complete”:** 30 days

**Permit duration:** 5 years

**Permit transferability:** Applicants may request a name change by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission (or board of selectmen if there is no conservation commission), listing the permit number, name, address, and telephone number of the new owner. Assuming that no outstanding compliance issues exist and that the permit is still in effect, an amended permit typically is issued within two weeks.

**Permit modification:** An amendment may be requested by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission (or board of selectmen if there is no conservation commission). The request should provide an explanation of the requested amendment and why it is needed. New plans may be necessary. The amendment must be for work that is directly related to the purpose of the original permit. A request for permit modification may trigger a reassessment of the federal permit status by the U. S. Army Corps of Engineers under the State Programmatic General Permit program (see <http://www.des.state.nh.us/wetlands/nhspgp.htm>).

**Permit renewal:** Permits may not be renewed.

**State statute:** RSA 482-A:3 (“Fill and Dredge in Wetlands/Excavating and Dredging Permit; Certain Exemptions”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-3.htm>)

**N. H. Wetlands Bureau Code of Administrative Rules:** Wt 505 (“Expedited Minimum Impact Permit Rules”, <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 (“Field Citation Fine Rules”, <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 (“Fines Relating to Wetlands Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 (“Wetlands Council Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 (“Fill and Dredge in Wetlands/Appeals”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 (“Rules of Practice and Procedure”); then to the Wetlands Council under RSA 21-O:5-a (“Department of Environmental Services/Wetlands Council”) <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm>; see also <http://www.des.state.nh.us/rules/envwtc200.pdf>, <http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>), then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DRED, Natural Heritage Inventory, (603) 271-3623

## Minimum Impact Expedited Permit – Work Sheet

**Key Qualifier Question:** Will your project involve the dredging or filling of 3,000 square feet or less within jurisdictional wetlands, the repair/replacement of an existing seasonal dock, or the installation of a driveway culvert, or otherwise result in minimal impacts to jurisdictional wetlands or other surface waters, including no impacts to areas in or adjacent to designated prime wetlands, tidal wetlands or bogs, and no fill for lot development?

### What must you do to apply?

- Obtain a copy of the *Minimum Impact Expedited Application* from the DES Wetlands Bureau, DES Public Information Center, or access it online at <http://www.des.state.nh.us/wetlands/pdf/expedite.pdf>.
- Provide the name, mailing address, and telephone number of the applicant.
- Provide a copy of the municipal tax map showing the location of the proposed project in relation to abutters, and provide a list of abutters with mailing addresses that is cross-referenced to tax map lots.
- Prepare a U. S. Geological Survey topographical map depicting the location of the property and project (see <http://www.topozone.com>).
- Prepare a plan drawn to scale or with dimensions clearly marked to document existing site conditions and show the impact of the proposed activity on areas in DES jurisdiction by detailing the precise location of the project.
- Provide original, dated photographs, mounted on 8½" x 11" sheets, annotated to explain impacts.
- Provide the name of the water body or wetland where the work is proposed and identify the type of wetland to be affected (e.g., salt marsh, bog, swamp, wet meadow, seasonal stream, lake, etc.)
- Provide a brief description of the project, outlining the scope of the work to be performed.
- For projects located on water bodies, provide the number of linear feet of shoreline frontage (as defined by NH CODE ADMIN. RULES Wt 100-700, <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>).
- Specify the details of the project, such as the type of seasonal dock construction, the diameter of culverts, construction materials for retaining walls, etc.
- Provide a narrative explaining how the alternative selected for the project will create the least impact to the wetland resource.
- Sign a statement certifying that the project meets the criteria for an expedited application review and that all abutters have been duly notified.
- If the project is for repair or replacement of docking structures, the signed statement of minimum impact also must certify that the structures have been in existence in the same location, configuration, and with the dimensions for the past five years, they have not been "abandoned" as that term is defined in the Wetlands rules, and either are considered to be "grandfathered" (i.e., existing legal structures) or have been permitted in the same condition under a prior wetland permit. Please note: A grandfathered structure does not necessarily need to be permitted.
- Have the application signed by the municipal conservation commission certifying that it waives its right to intervene, recommends approval of the application, and believes the application and plan accurately represent the proposed project.
- Submit a check or money order for \$50, made payable to "Treasurer, State of New Hampshire", with the original and four copies of the application, maps, plans, certifications, and other supporting materials to the municipal clerk, who will sign the application certifying that abutters have been duly notified, and that five copies of the application and plans have been received. The clerk will distribute three copies to local boards, retain one copy, and forward the original via certified mail to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

### What types of projects require this permit?

- ❖ A project in previously-developed upland within 100 feet of the highest observable tide line (*i.e.*, upland tidal buffer zone)
- ❖ Construction or modification of a seasonal pier or wharf with no more than two slips
- ❖ Construction of temporary stream crossings for maintenance of utility pipelines or cables
- ❖ Installation of a culvert in a seasonal stream to access a single family building unit

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.



## Minimum Impact Agricultural Permit

**Introduction:** The production of fruits and vegetables and the grazing of livestock are practiced in virtually all New Hampshire counties to varying degrees. Much of the land used for these purposes lies in low areas, near flood plains, or adjacent to streams and rivers where groundwater levels lie at or near the surface for much of the year. Wetlands may be impacted when a new irrigation pond is created or when drainage ditches are dredged. DES has worked with the New Hampshire Department of Agriculture, Markets, and Food (see <http://www.state.nh.us/agric/aghome.html>) and the county conservation district offices across the state to create the Minimum Impact Agricultural Permit to expedite the review process for such projects while protecting the wetland resource. This minimum impact agricultural application process is reserved solely for impacts to wet meadows (see <http://www.des.state.nh.us/factsheets/wetlands/wb-6.htm>). For example, if a corn field had been active for the past 50 years and was then left fallow for several years, that cornfield will be considered a wet meadow if it has reverted to a wetland that supports herbaceous or woody species that typically grow in wet areas (see <http://plants.usda.gov/>). This process limits impacts to no more than 3 acres of wet meadows and no more than 15 percent of the impact area can be underlain by “very poorly drained soils.” The application process requires the applicant to enter into a Cooperator Agreement with the local county conservation district to develop a conservation plan, a soils map to locate the area of impact, and to certify that no threatened, endangered, exemplary, or rare communities exist at the site (see [http://www.nhdf.org/organization/div\\_nhnhi.htm](http://www.nhdf.org/organization/div_nhnhi.htm)). It also requires the applicant to obtain a copy of, and follow the guidance provided by; the manual entitled **Best Management Wetlands Practices for Agriculture**, available from the Rockingham County Conservation District, 110 North Road, Brentwood, NH 03833-6614. Telephone: (603) 679-2790; fax: (603) 679-2860; or from any local county conservation district office

**Average number of permits issued annually:** 10

**Fee:** \$50

**Estimated processing time after application is deemed “complete”:** 30 days

**Permit duration:** 5 years

**Permit transferability:** If there is a change in ownership, applicants may request a name change by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission, or board of selectmen (if there is no conservation commission), with a request that provides the permit number, and the name, address, and telephone number of the new owner. If no outstanding compliance issues exist and that the permit is still in effect, an amended permit is typically issued within one week.

**Permit modification:** An amendment may be requested by writing to the DES Wetlands Bureau, with a copy to the municipal conservation commission, county conservation district, or board of selectmen (if there is no conservation commission). The request should provide an explanation of the amendment request and why it is needed. New plans may be necessary. The amendment must be designated for work that is directly related to the purpose of the original permit, cooperator agreement, and conservation plan.

**Permit renewal:** Permits may not be renewed.

**State statute:** RSA 482-A (“Fill and Dredge in Wetlands”, <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 100-700 (“Wetland Bureau Code of Administrative Rules”, <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 (“Field Citation Fine Rules”, <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 (“Fines Relating to Wetlands Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 (“Wetlands Council Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 (“Fill and Dredge in Wetlands/Appeals”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 (“Rules of Practice and Procedure”); then to the Wetlands Council under RSA 21-O:5-a (“Department of Environmental Services/Wetlands Council”, <http://gencourt.state.nh.us/rsa/html/L/21-O/21-O-5-a.htm>; see also <http://www.des.state.nh.us/rules/envwtc200.pdf>, <http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>), then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DRED, Natural Heritage Inventory, (603) 271-3623  
USDA-Natural Resources Conservation Service, (603) 868-7581  
Local County Conservation District Office

## Minimum Impact Agricultural Permit – Work Sheet

**Key Qualifier Questions:** Will your project involve impacts to less than three acres of a wet meadow, with the project area underlain by less than 15 percent of very poorly drained soils? Does it consist of activities necessary for and/or incidental to a pre-existing and ongoing bona fide agricultural operation? (See RSA 21:34-a, “Statutory Construction/Farm, Agriculture, Farming”, <http://gencourt.state.nh.us/rsa/html/l/21/21-34-a.htm>)

### What must you do to apply?

- Obtain a copy of the *Application for Minimum Impact Agricultural Projects* from the DES Wetlands Bureau, DES Public Information Center, county conservation district, or online at <http://www.des.state.nh.us/wetlands/pdf/agricult.pdf>.
- Obtain (or access) a copy of the guidance manual entitled **Best Management Wetlands Practices for Agriculture** from either the Rockingham County Conservation District (its origin), located at 110 North Road, Brentwood, NH 03833-6614. Telephone: (603) 679-2790; fax: (603) 679-2860; or from any local county conservation district office
- Enter into a Cooperator Agreement with the local county conservation district.
- Develop a conservation plan with an accompanying USDA-Natural Resources Conservation Service soil map showing the property to be impacted (see [http://www.nh.nrcs.usda.gov/Soil\\_Data/](http://www.nh.nrcs.usda.gov/Soil_Data/)). Include a soils legend that identifies poorly drained and very poorly drained map units.
- Prepare a copy of a U. S. Geological Survey topographic map showing the property clearly identified (see <http://nh.water.usgs.gov/> or <http://www.topozone.com>). A list of outlets from which to obtain these USGS maps can also be found at <http://www-nmd.usgs.gov/esic/usimage/test/nh.html>.
- Notify all abutters by certified mail of the proposed project and its location.
- With the assistance of the New Hampshire Department of Resources and Economic Development's Natural Heritage Inventory (see [http://www.nhdfi.org/organization/div\\_nhnhi.htm](http://www.nhdfi.org/organization/div_nhnhi.htm)) and the New Hampshire Fish and Game Department (see <http://wildlife.state.nh.us/nongameendlist.htm>), check for the presence or absence of threatened or endangered plant and animal species to certify (through an official letter from each agency) that no threatened, endangered, rare, or exemplary communities exist in the immediate vicinity of the project.
- Sign the application to certify that you agree to the condition that any future change to a non-agricultural land use will require further permitting by DES and to acknowledge that you are required to record the permit with the Registry of Deeds. The applicant's signature also certifies that the application is accurate, that the affected land is (and will remain) cropland or pasture, and that all abutters have received notification of the proposed project.
- Obtain the signature of the county conservation district manager certifying that the proposed project was designed for a legitimate agricultural operation in accordance with the guidelines offered in the **Best Management Wetlands Practices for Agriculture** manual.
- Submit a check or money order in the amount of \$50, made payable to the “Treasurer, State of New Hampshire,” with the original and four copies of the application, the Cooperator Agreement, conservation plan, map, endangered species letter(s), and any other supporting data to the municipal clerk. The clerk will sign the copies, certify that all abutter notifications have been made, distribute three copies among the local boards with jurisdiction, retain a fourth copy for municipal records, and forward the fifth (original) copy via certified mail to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>.
- Projects that impact wetlands at agricultural facilities, but do not qualify for this specialty permit, can apply by either completing the *Minimum Impact Expedited Application* (see <http://www.des.state.nh.us/wetlands/pdf/expedite.pdf>) or the *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>).

### **What types of projects require this permit?**

- ❖ The creation of a new, two-acre farm pond in a wet meadow for crop irrigation
- ❖ Drainage improvements to farm fields

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.

## Recreational Mineral Dredge Permit

**Introduction:** The practice of hand panning and small motor dredging to recover minerals (most notably, gold) from New Hampshire stream sediments has become a popular recreational activity for many. Those who engage in hand panning only do not need a permit, but still must comply with all DES Wetlands Bureau administrative rules. The Recreational Mineral Dredge Permit is offered to those who will use powered, portable dredging equipment (rated at less than five horsepower) to extract minerals from streambeds without causing undue damage to streams or rivers, their banks, or water quality. The State holds water rights in trust for the benefit of the public (under the common law Public Trust Doctrine) and so can permit such uses of surface water resources. However, riparian property owners may hold title to the stream bottom. Therefore, landowner permission often is needed before dredging, since the owner's mineral rights may be affected. Several conditions apply to motorized mineral dredging: the wetland impacts from such dredging must be restricted to an area of less than 3,000 square feet; there can be no fuel leaks from the equipment; suction dredges are limited to a four-inch wide intake nozzle; sluice and rocker boxes are limited to ten square feet; use of mercury or chemicals for extraction is prohibited; streams cannot be dammed or altered to improve the recovery process; the owner's permission is required; and work must be confined to the bed of the stream with no disturbance to its banks. Dredging for minerals is prohibited in prime wetlands, marshes, bogs, or areas where threatened or endangered species exist (see [http://www.nhdf.org/organization/div\\_nhnhi.htm](http://www.nhdf.org/organization/div_nhnhi.htm)). Submission of the *Recreational Mineral Dredging Application* (see <http://www.des.state.nh.us/wetlands/pdf/goldapp.pdf>), unlike most wetland projects, is made directly to the DES Wetlands Bureau, rather than to the local community, since these permits are not specific to any particular local jurisdiction. If deemed appropriate and compliance with its applicable conditions is assured, the permit will be issued with the notation "for all towns" and must be posted in the immediate vicinity of the dredging activity. Each person who is 18 years old or older must have his or her own permit (see NH CODE ADMIN. RULE Wt 504.01).

**Average number of permits issues annually:** 50

**Fees:** \$25 for New Hampshire residents; \$50 for non-residents

**Estimated processing time after application is deemed "complete":** 2-3 weeks

**Permit duration:** One calendar year (January 1 to December 31). Application for the next calendar year may be made at any time after November 1 of the current year.

**Permit transferability:** Not transferable

**Permit modification:** Not modifiable

**Permit renewal:** A new application must be submitted to DES Wetlands Bureau each calendar year.

**State statute:** RSA 482-A ("Dredge & Fill in Wetlands", <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 101.70, Wt 101.77, Wt 303.04(s), Wt 303.14, and Wt 504.01 ("Wetlands Bureau Code of Administrative Rules", <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 ("Field Citation Fine Rules", <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 ("Fines Relating to Wetlands Rules", <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 ("Wetlands Council Rules", <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 ("Fill and Dredge in Wetlands/Appeals", <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 ("Rules of Practice and Procedure"); then to the Wetlands Council under RSA 21-O:5-a ("Department of Environmental

Services/Wetlands Council", <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm>,  
<http://www.des.state.nh.us/rules/envwtc200.pdf>, <http://www.des.state.nh.us/councils/#4>, and  
<http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>); then to the New Hampshire Superior Court in the  
appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876

## Recreational Mineral Dredge Permit – Work Sheet

**Key Qualifier Question:** Will wetland substrates or stream sediments be removed, altered, or processed using small power dredging equipment to recover naturally occurring minerals?

### What must you do to apply?

- Contact each property owner along the reach of stream to be impacted, explain your plans, and obtain permission from each one to operate along the shoreline, especially if the land under the stream is owned privately.
- Obtain a *Recreational Mineral Dredge Permit* application form from the DES Wetlands Bureau, the Public Information Center, or online at <http://www.des.state.nh.us/wetlands/pdf/goldapp.pdf>.
- If a resident of New Hampshire, provide written proof of residency by including a copy of your Motor Vehicle Operator's License or other valid non-driver identification.
- Each person 18 years and older must have his or her own permit posted on the site. Persons younger than 18 must be accompanied by an adult with a valid permit
- If the river where the dredging will occur has been designated pursuant to RSA 483 ("New Hampshire Rivers Management and Protection Program", <http://gencourt.state.nh.us/rsa/html/indexes/483.html>), contact the DES Rivers Coordinator at (603) 271-8865 or by E-mail at [rivers@des.state.nh.us](mailto:rivers@des.state.nh.us) to ensure that all planned activities will be consistent with the protection measures associated with a specific protected river (or segment thereof) (see <http://www.des.state.nh.us/rivers/>).
- Before moving to another site or stream, stabilize disturbed areas to prevent scouring and erosion of sediments which create turbidity and siltation problems, and may cause water quality violations and/or damage to the food chain in the stream and to its indigenous populations.
- If small motor mineral dredging activities exceed the limits for this specialized type of minimum impact wetlands permit, a *Standard Dredge and Fill Permit Application* may have to be completed and filed with the local community and the DES Wetlands Bureau. This standard permit must be in hand before any work commences.
- Submit a check or money order for \$25 (NH residents), or \$50 (non-residents), made payable to the "Treasurer, State of New Hampshire", with a completed application to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

### What types of projects require this permit?

- ❖ The disturbance of less than 3,000 square feet of stream sediments for washing in a sluice rocker box which is less than ten square feet in surface area while using a suction dredge
- ❖ The small power dredging of several sites along an extended stretch of a designated river, as long as river protection measures are undertaken

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.





## Minimum Impact Forestry/Timber Harvesting Notification

**Introduction:** In 1989, the New Hampshire Legislature amended RSA 482-A, “Fill and Dredge in Wetlands” (see RSA 482-A:3, V, (a) through (e) <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-3.htm>, “Excavating and Dredging Permit; Certain Exemptions”, and RSA 482-A:14-a, “Cease and Desist Orders; Penalty”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-14-a.htm>) to allow the timber industry to use a notification process for minimum impact projects instead of using the DES *Standard Dredge and Fill Application* format (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>). This streamlined process was designed to facilitate timber harvesting while still protecting any wetland resources in the harvesting area (see <http://www.des.state.nh.us/factsheets/wetlands/wb-2.htm>). DES is concerned with how wetland or stream crossings will be installed and whether the crossings represent the best type of construction and the least-impacting alternative. Surface waters and wetlands of particular concern for forestry and logging operations include vernal pools, intermittent/perennial streams, bogs, and swamps, whose characteristics are discussed further in the DES Fact Sheet entitled *Clues to Identifying Forested Wetlands* (see <http://www.des.state.nh.us/factsheets/wetlands/wb-14.htm>). Forested floodplains may or may not be classified as a wetland, and may or may not lie within the jurisdiction of either the DES Wetlands Bureau or U. S. Army Corps of Engineers. For a more complete discussion of that type of habitat, please review Technical Bulletin 15 entitled ***What is a Floodplain Forest?***, published by the New Hampshire Office of State Planning (see [http://www.state.nh.us/osp/library/docs/forested\\_floodplains/TB15.pdf](http://www.state.nh.us/osp/library/docs/forested_floodplains/TB15.pdf)). The presence or absence of ferns (see <http://plants.usda.gov/>); thick deposits of muck or peat, and topography also serve to classify a site (see [http://www.nhdfi.com/publications/bmp\\_manual.pdf](http://www.nhdfi.com/publications/bmp_manual.pdf)). The forester or logger must complete and file a *Notice of Intent to Cut Wood or Timber* with the New Hampshire Department of Revenue Administration (“DRA”) pursuant to RSA 79:10 (“Forest Conservation and Taxation/Notice of Intent to Cut”, <http://gencourt.state.nh.us/rsa/html/V/79/79-10.htm>) and, at the same time, complete and file a *Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact* with the DES Wetlands Bureau (see <http://www.des.state.nh.us/wetlands/pdf/forestrynotification.pdf>). The DES minimum impact wetlands permit is attached to the DRA Intent-to-Cut form and only applies if the following criteria are met: the work is intended for forest management harvest purposes only (land conversion projects require a separate dredge and fill permit), wetland impacts must be less than 3,000 square feet, permanent culverts or rock fords must not exceed 15 feet wide by 50 feet long, stream crossings cannot exceed 10 feet in width, and wetland crossings cannot exceed 50 feet in width. If the forestry notification is complete and the Intent-to-Cut form has been properly filed, work can begin immediately. DES will notify the forester or logger by mail and will enclose a weather-proof posting notice entitled *Confirmation of Complete Forestry Notification*, which must be posted at the site. A note of caution: There are circumstances when an Intent-to-Cut form is not necessary but a forestry/timber harvesting notification is, and vice versa. If in doubt about any aspect of the information provided above, please call the DES Wetlands Bureau at (603) 271-2147.

**Average number of notifications issued annually:** 650

**Fee:** \$25

**Estimated processing time after application is received:** 7 work days

**Notification duration:** Minimum impact forestry notifications issued in accordance with RSA 482-A:3, V (“Fill and Dredge in Wetlands/Excavating and Dredging Permit; Certain Exemptions”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-3.htm>) are valid until June 30 of the current calendar year if issued before April 1, or June 30 of the following calendar year if issued after April 1.

**Notification transferability:** This notification will be issued to landowners on whose land the project is located or to party(ies) having financial or other legal interest in the property when the permitted project is proposed to be performed after transfer of title or when legal authority has been granted. For projects which have not been completed and when ownership or legal authority is to be changed, DES will transfer the notification after receipt of a written request by the new owner or legal authority, unless there is a pending

enforcement case on the file. If a transfer is approved, the new permittee will be advised of all conditions, limitations, and special considerations pertinent to the approved project.

**Notification modification:** An amendment request may be submitted to the DES Wetlands Bureau, with a copy forwarded to the municipal conservation commission or board of selectmen (if there is no conservation commission). The request must include an explanation of the amendment and its need. New sketches, plans, and/or map may be necessary if additional crossings are employed. The amendment must be designated for work directly related to that covered by the original notification.

**Notification renewal:** If the forestry notification is allowed to expire, the applicant must reapply to DES using the notification form (see <http://www.des.state.nh.us/wetlands/pdf/forestrynotification.pdf>) accompanied by a check or money order for \$25, made payable to "Treasurer, State of New Hampshire".

**State statute:** RSA 482-A:3, V, (a) – (e) ("Fill and Dredge in Wetlands/Excavating and Dredging Permit; Certain Exemptions", <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 303.04(e)-(i) ("Wetlands Bureau Code of Administrative Rules", <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 ("Field Citation Fine Rules", <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 ("Fines Relating to Wetlands Rules", <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 ("Wetlands Council Rules", <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 ("Fill and Dredge in Wetlands/Appeals", <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 ("Rules of Practice and Procedure"); then to the Wetlands Council under RSA 21-O:5-a ("Department of Environmental Services/Wetlands Council", <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm>; see also <http://www.des.state.nh.us/rules/envwtc200.pdf>, <http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>); then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:**

- N. H. DES, Wetlands Bureau, (603) 271-2147
- N. H. Department of Revenue Administration, (603) 271-2191
- N. H. Department of Resources and Economic Development, (603) 271-2217
- N. H. Office of State Planning, (603) 271-2155
- N. H. DES Fact Sheet: *Clues to Identifying Forested Wetlands* (<http://www.des.state.nh.us/factsheets/wetlands/wb-14.htm>)

## Minimum Impact Forestry/Timber Harvesting Notification – Work Sheet

**Key Qualifier Question:** *Do you plan to perform forest management or timber harvesting operations on property where minimum impact wetland disturbances, stream crossings, skidder ruts, or other surface water impacts will likely occur?*<sup>1</sup>

**Please Note:** This DES minimum impact wetlands permit is attached to the DRA Intent-to-Cut form and only applies if the following criteria are met:

- The work is intended for forest management harvest purposes only (land conversion projects require a separate dredge and fill permit),
- Wetland impacts must be less than 3,000 square feet
- Permanent culverts or rock fords must not exceed 15 feet wide by 50 feet long
- Stream crossings cannot exceed 10 feet in width, and
- Wetland crossings cannot exceed 50 feet in width

### What must you do to apply?

- Obtain a *Notice of Intent to Cut Wood or Timber* from the New Hampshire Department of Revenue Administration, P. O. Box 457, 45 Chenell Drive, Concord, NH 03302-0457. Telephone: (603) 271-2191; fax: (603) 271-6121; or online: <http://webster.state.nh.us/revenue/forms/index.htm> (see “Forest Conservation and Taxation/Notice of Intent to Cut”, <http://gencourt.state.nh.us/rsa/html/V/79/79-10.htm>). These forms also are available at the municipal clerk’s office in the community where harvesting will occur.
  - Provide the name of the community in which the timber harvesting will occur, and include the tax map and lot numbers for all parcels to be affected (items #1 and 2 on the “Intent-to-Cut” form).
  - Attach a copy of a U. S. Geological Survey topographic map (see <http://www.topozone.com>) or submit a U. S. Department of Agriculture, Natural Resources Conservation Service soils map (see [http://www.nh.nrcs.usda.gov/Soil\\_Data/](http://www.nh.nrcs.usda.gov/Soil_Data/)) with the type/location of wetlands and water crossing structures clearly indicated.
  - Identify all forested wetlands to be impacted (see the DES Fact Sheet entitled *Clues for Identifying Forested Wetlands*, <http://www.des.state.nh.us/factsheets/wetlands/wb-14.htm>).
  - Attach a sketch plan for all wetland or surface water crossings. Copies of a sketch(es) taken from the guidance manual entitled ***Best Management Practices for Erosion Control of Timber Harvest Operations in New Hampshire*** may be used if they accurately depict the proposed structure (see [http://www.nhdfi.org/info\\_plan\\_bureau/fi&p\\_waterqualitybmps.htm](http://www.nhdfi.org/info_plan_bureau/fi&p_waterqualitybmps.htm)).
  - The landowner must sign the DES Wetlands Bureau application form to certify that all of the information provided is correct, that all logging contractors have been required to conform with the recommendations offered in the ***Best Management Practices for Erosion Control of Timber Harvest Operations in New Hampshire*** manual, and that they have been instructed to install crossings only as indicated on the attached maps and sketches.
  - Prepare a check or money order in the amount of \$25, made payable to the “Treasurer, State of New Hampshire”, and submit it with the application form and all supporting information to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588, or online: <http://www.des.state.nh.us/wetlands/>
- When the “Intent-to-Cut” form is being completed, also obtain a copy of the *Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact* from the DES Wetlands Bureau or access it online at <http://www.des.state.nh.us/wetlands/pdf/forestrynotification.pdf>, and file that form with DES. Additional guidance is provided through the DES Fact Sheet entitled, *Forest Management and Wetlands* at <http://www.des.state.nh.us/factsheets/wetlands/wb-2.htm>.
- Obtain a copy of the manual entitled ***Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*** from the New Hampshire Department of Resources and

Economic Development, Division of Forests and Lands, 172 Pembroke Road, P. O. Box 1856, Concord, NH 03302-1856. Telephone: (603) 271-2214; fax: (603) 271-2629, or online: [http://www.nhdfi.org/info\\_plan\\_bureau/fi&p\\_waterqualitybmps.htm](http://www.nhdfi.org/info_plan_bureau/fi&p_waterqualitybmps.htm).

### What types of projects require this notification?

- ❖ Installation of a temporary bridge across a perennial stream
- ❖ Installation of temporary pole fords, portable bridges, or stone fords for crossing intermittent streams
- ❖ Installation of a corduroy road to provide soil stability for crossing a wet area in a skid trail
- ❖ Installation of a culvert in a wetland or stream to access a landing
- ❖ Installation of a temporary road during frozen conditions constructed of snow and inverted stumps

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Note 1: Forested floodplains may or may not be classified as a wetland, and may or may not lie within the jurisdiction of either the DES Wetlands Bureau or U. S. Army Corps of Engineers. For a more complete discussion of that type of habitat, please review Technical Bulletin 15 entitled ***What is a Floodplain Forest?***, published by the New Hampshire Office of State Planning (see [http://www.state.nh.us/osp/library/docs/forested\\_floodplains/TB15.pdf](http://www.state.nh.us/osp/library/docs/forested_floodplains/TB15.pdf)).

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If there are questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.

## Seasonal Dock Notification for Lakes and Ponds

**Introduction:** The DES Wetlands Bureau instituted a Seasonal Dock Notification for Lakes and Ponds to simplify the application process for installing a new seasonal dock that meets certain criteria (see [http://www.des.state.nh.us/wetlands/pdf/seasonaldock\\_june02.pdf](http://www.des.state.nh.us/wetlands/pdf/seasonaldock_june02.pdf)). Seasonal docks are those that are completely removed from the water during the non-boating season, and have been regulated by the DES, or its predecessor, the New Hampshire Wetlands Board, since 1978. They are the preferred method of “wharfing out” in New Hampshire waters, since floating finger piers or pipe docks create less of an impact to public waters than do permanent structures such as piling and crib docks. This notification process applies to property that has 75 linear feet or more of frontage located on a lake or pond and requires that the new seasonal dock be the only docking structure on the frontage. The dock must be capable of being removed (and must actually be removed) during the non-boating season (*i.e.*, a minimum of five months each year) and must be configured as narrow, rectangular, and erected perpendicular to the shoreline. The dock can be no larger than 6 feet wide by 40 feet long on water bodies with a surface area of 1,000 acres or larger; and no larger than 6 feet wide by 30 feet long on water bodies smaller than 1,000 acres. The dock must be located at least 20 feet from the abutting property line (or its imaginary extension over the water) and must be installed in a manner that requires no modification, re-grading, or re-contouring of the shoreline (*e.g.*, no installation of a concrete pad for a hinged dock). The dock installation also must comply with RSA 483-B (“Comprehensive Shoreland Protection Act”, <http://gencourt.state.nh.us/rsa/html/indexes/483-B.html>). If stairs are proposed to access the dock, they must be no more than six feet wide and must be constructed over the bank in a manner that does not require shoreline regrading/recontouring (see <http://www.des.state.nh.us/factsheets/wetlands/wb-5.htm>). Please note: The State of New Hampshire has fee-simple ownership or flowage rights for Deering Reservoir, Lake Francis (no docks of any kind allowed), Glen Lake (Gregg Falls), Goose Pond (Hanover/Canaan), Lake Horace (also known as Weare Reservoir), and Lake Winnisquam (Lochmere Dam). If your seasonal dock is proposed for one of these water bodies, please contact the DES Land Agent in the Dam Bureau at (603) 271-1960 for more information.

**Average number of notifications issued annually:** 150

**Fees:** None

**Estimated processing time after application is deemed “complete”:** Immediately, upon mailing, work may begin

**Notification duration:** Repair can occur in perpetuity, provided that no changes will be made to dock size, location, or configuration; and no other structures will be added to the frontage.

**Notification transferability:** If property ownership changes, the new owner has purchased a legal docking structure. However, the Wetlands Bureau should be notified in writing of the “Name Change” or change in ownership if and when a permit is requested for repairs or modifications.

**Notification modification:** Repairs to existing, previously permitted or “grandfathered” seasonal docks with no change in size, location, or configuration must be pre-approved by issuance of a Wetlands Bureau permit if they will impact jurisdictional areas. A minimum impact expedited application form can be used, unless the structure exceeds minimum impact criteria. In such cases, modifications may be requested using a *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>). Repairs to the dock itself that do not alter its dimensions or configuration, and that can be completed on dry land, do not require a permit.

**Notification renewal:** Permanent

**State statute:** RSA 482-A (“Fill and Dredge in Wetlands”, <http://gencourt.state.nh.us/rsa/html/indexes/482-A.html>)

**N. H. Code of Administrative Rules:** Wt 506.02 (“New Hampshire Wetlands Bureau Code of Administrative Rules”, <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>), Env-C 608 (“Field Citation Fine Rules”, <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 (“Fines Relating to Wetlands Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 (“Wetlands Council Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 (“Fill and Dredge in Wetlands/Appeals”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 (“Rules of Practice and Procedure”); then to the Wetlands Council under RSA 21-O:5-a (“Department of Environmental Services/Wetlands Council”, <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm>, <http://www.des.state.nh.us/rules/envwtc200.pdf>, <http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>) then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DES, Public Information Center, (603) 271-2975 or (603) 271-8876



## Seasonal Dock Notification for Lakes and Ponds - Work Sheet

**Key Qualifier Question:** Will your proposed dock be located on a fresh water, non-tidal water body, be the only structure on the frontage, be removed during the non-boating season (for a minimum of five months per year), be configured to be narrow, rectangular, and installed perpendicular to the shoreline, measure 6 feet wide by 40 feet long on water bodies with a surface area of 1,000 acres or more (6 feet wide by 30 feet long on water bodies of less than 1,000 acres in size), be installed on at least 75 linear feet of frontage and at least 20 feet from each abutting property line with no impacts to other shoreline wetlands, require no re-contouring or re-grading of the shoreline, and comply with RSA 483-B ("Comprehensive Shoreland Protection Act", <http://gencourt.state.nh.us/rsa/html/indexes/483-B.html>)?

### What must you do to apply?

- Obtain a copy of the *Seasonal Dock Notification for Lakes and Ponds* form from the municipal clerk, the DES Wetlands Bureau, DES Public Information Center, or at [http://www.des.state.nh.us/wetlands/pdf/seasonaldock\\_june02.pdf](http://www.des.state.nh.us/wetlands/pdf/seasonaldock_june02.pdf).
- **Please note:** The State of New Hampshire has fee-simple ownership or flowage rights for Deering Reservoir, Lake Francis (no docks of any kind allowed), Glen Lake (Gregg Falls), Goose Pond (Hanover/Canaan), Lake Horace (also known as Weare Reservoir), and Lake Winnisquam (Lochmere Dam). If your seasonal dock is proposed for one of these water bodies, please contact the DES Land Agent in the Dam Bureau at (603) 271-1960 for more information.
- Verify that the proposed seasonal docking structure complies with all pre-determining criteria for the site. If the proposed dock does not meet all of these criteria, obtain and complete a *Minimum Impact Expedited Application* (see <http://www.des.state.nh.us/wetlands/pdf/expedite.pdf>) or a *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>), as appropriate.
- Stairs to the dock may be installed as long as construction will pass over the bank or shoreline land surface in a manner that does not require re-grading or re-contouring of the shoreline (e.g., no concrete pad will be needed for the construction of a hinged dock).
- The owner/applicant must sign the following certification on the application: ***My signature below certifies that my dock will meet all of the required criteria. I understand that completion of this notification does not preclude the department from taking any enforcement action if the department later determines that the notification was incomplete, the facts material to the project were misstated, or that the installed dock does not meet the above criteria. I understand that this notification does not relieve me from obtaining any local permits, which may be required.***
- Submit the completed notification to: Wetlands Bureau, Water Division, New Hampshire Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

### What types of projects require this notification?

- ❖ Assuming all seasonal dock criteria are met, the construction of a 6-foot wide by 40-foot long, wooden-decked, seasonal dock installed perpendicular to the shoreline on a parcel having 75 feet or more of frontage along the shoreline of Lake Winnepesaukee (i.e., water body greater than 1,000 acres)
- ❖ Assuming all seasonal dock criteria are met, the construction of a 6-foot wide by 30-foot long seasonal floating dock installed perpendicularly to the shoreline of Bow Lake (i.e., water body less than 1,000 acres) on a parcel having 75 feet or more of water frontage

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.





## Minimum Impact Trail Development Notification

**Introduction:** The DES Wetlands Bureau offers this specialized Minimum Impact Trail Development Notification to simplify the application process for governmental agencies, private businesses, sports clubs, civic organizations, and landowners who provide nature walkways, snowmobile and all-terrain vehicle trails, cross-country skiing trails, boardwalks, and educational footpaths. The applicant is required to complete a *Notification of Trail Development Activities Having Minimum Wetlands Impact* and to submit all information to the DES Wetlands Bureau, the New Hampshire Department of Resources and Economic Development (“DRED”) at <http://www.nhparks.state.nh.us/trbureau.html>, and to each community in which the trail work will occur. All work must conform to DRED’s trail construction guide entitled ***Best Management Practices for Erosion Control during Trail Maintenance and Construction***, available from the DRED Trails Bureau at (603) 271-3254. One notification per community may be used to cover multiple wetland or stream crossings along a trail, which may span several communities. Qualified work may include such activities as dredging and/or filling less than 3,000 square feet of wetlands per crossing, corduroy path installation, bridge abutments, and boardwalk construction. Trails must completely avoid bogs, marshes, sand dunes, tidal wetlands, undisturbed tidal buffer zones, municipally-designated prime wetlands, and sensitive habitats for rare, threatened, or endangered species. Work may begin immediately following the proper filing of the notification form with its appropriate support materials. If wetlands impacts exceed these criteria, a *Standard Dredge and Fill Application* may be required to authorize the work (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>).

**Average number of notifications issued annually:** 20

**Fee:** \$25

**Estimated processing time after application is deemed “complete”:** Immediate, based upon receipt of all required information and forms

**Notification duration:** 5 years

**Notification transferability:** If the trail project is unfinished and some or all parcels crossed change ownership, the new owner (or agent) is required to submit written notice, written permission from the new owner(s), and a request for a name change to the DES Wetlands Bureau to continue the original trail development and/or maintenance work.

**Notification modification:** The owner (or agent) must submit a written request to the DES Wetlands Bureau and to each affected community that received an original filing, which must include a map showing all modifications to locations and types of crossings.

**Notification renewal:** A notification is valid for five years. If work remains unfinished at the end of five years, a new notification must be filed with the DES Wetlands Bureau to complete the planned work.

**State statute:** RSA 482-A:3, XII (“Fill and Dredge in Wetlands/Excavating and Dredging Permit; Certain Exemptions”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-3.htm>)

**N. H. Code of Administrative Rules:** Env-303.04(y) (“Wetlands Bureau Code of Administrative Rules”, <http://www.des.state.nh.us/wetlands/pdf/WT100-700.pdf>), Env-C 608 (“Field Citation Fine Rules”, <http://www.des.state.nh.us/wetlands/pdf/608field.pdf>), Env-C 614 (“Fines Relating to Wetlands Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-c614.pdf>), and Env-WtC 100-207 (“Wetlands Council Rules”, <http://www.des.state.nh.us/wetlands/pdf/env-wtc.pdf>)

**Appeals bodies:** Wetlands Bureau under RSA 482-A:10 (“Fill and Dredge in Wetlands/Appeals”, <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm>) and NH CODE ADMIN. RULES Wt 200 (“Rules of

Practice and Procedure”); then to the Wetlands Council under RSA 21-O:5-a (“Department of Environmental Services/Wetlands Council”, <http://gencourt.state.nh.us/rsa/html/l/21-O/21-O-5-a.htm>, <http://www.des.state.nh.us/rules/envwtc200.pdf>, (<http://www.des.state.nh.us/councils/#4>, and <http://www.des.state.nh.us/factsheets/wtc/wtc-1.htm>); then to the New Hampshire Superior Court in the appropriate county (see <http://www.state.nh.us/courts/superior.htm>)

**Additional information:** N. H. DES, Wetlands Bureau, (603) 271-2147  
N. H. DRED, Trails Bureau, (603) 271-3254  
N. H. DRED, Natural Heritage Inventory, (603) 271-3623

## Minimum Impact Trail Development Notification – Work Sheet

**Key Qualifier Question:** *During the course of planned trail construction or maintenance, will there be any disruptions to, or crossings of, jurisdictional areas (including wetlands, rivers or intermittent or perennial streams and their banks, swamps, vernal pools, or ponds) that do not rise to the level that a Standard Dredge and Fill Permit is required?*

**Note:** Qualifying activities may include dredging and/or filling less than 3,000 square feet of wetlands per crossing, corduroy path installation, bridge abutments, and boardwalk construction. Trails must completely avoid bogs, marshes, sand dunes, tidal wetlands, undisturbed tidal buffer zones, municipally-designated prime wetlands, and sensitive habitats for rare, threatened, or endangered species [see NH CODE ADMIN. RULE Wt 303.04(y), <http://www.des.state.nh.us/wetlands/pdf/wt100-700.pdf>].

### What must you do to apply?

- Obtain the form entitled *Notification of Trail Development Activities Having Minimum Wetland Impacts* from the DES Wetlands Bureau, DES Public Information Center or at <http://www.des.state.nh.us/wetlands/pdf/trailsap.pdf>
- Identify the organization (if any) that is to construct or maintain the trails, and provide the name of a contact person, his/her address, and daytime telephone number.
- List each community's official name (not villages) in which work will occur. One notification is required from each community through which the trail passes.
- Attach a list of names and addresses for all affected property owners, including all tax maps and lot numbers where work will occur.
- Attach written permission forms, easement documentation, or other evidence from all affected property owners to demonstrate the right to access each property where work will occur.
- Prepare a copy of the appropriate U. S. Geological Survey topographic map showing the type and locations of all wetland or stream crossings (see <http://www.topozone.com>).
- Attach plans with sketches showing the construction design and materials to be used for each wetland or surface water crossing. Examples and approved trail practices are outlined in the New Hampshire Department of Resources and Economic Development ("NHDRED") guidance document entitled **Best Management Practices for Erosion Control during Trail Maintenance and Construction** at <http://www.nhparks.state.nh.us/trbureau.html>, available from the DRED Trails Bureau at (603) 271-3254, or the University of New Hampshire, Cooperative Extension Service, in Durham, NH at (603) 862-1028 or online at <http://ceinfo.unh.edu/>.
- Submit a cover letter briefly describing the trails project, including a copy of the U. S. Geological Survey map (with the specific quadrangle noted and depicting the exact location of proposed wetland impacts, see <http://www.topozone.com>) to the Natural Heritage Inventory Section of DRED to check for the presence of any known state- or federally-listed threatened or endangered species. (See [http://www.nhdf.org/organization/div\\_nhnhi.htm](http://www.nhdf.org/organization/div_nhnhi.htm) and <http://gencourt.state.nh.us/ras/html/indexes/217-A.html> for plants, and the New Hampshire Fish and Game Department for rare, threatened or endangered animals (see <http://wildlife.state.nh.us/nongameendlist.htm>)
- Provide original color photographs mounted on 8½" by 11" sheets showing the areas to be impacted.
- Sign the notification form to signify that all information is complete and accurate, that all work will conform to accepted practices, and that a copy of the notification has been supplied to each affected community's conservation commission.
- Forward one copy of the application form, maps, and plans to the New Hampshire Department of Resources and Economic Development, Division of Parks and Recreation, Bureau of Trails, 172 Pembroke Road, Box 1856, Concord, NH 03302-1856. Telephone: (603) 271-3254; fax: (603) 271-2629; or online: <http://www.nhparks.state.nh.us/trbureau.html>
- Submit the original copy of the application with a check or money order for \$25, made payable to the "Treasurer, State of New Hampshire", to: Wetlands Bureau, Water Division, New Hampshire

Department of Environmental Services, 6 Hazen Drive, P. O. Box 95, Concord, NH 03302-0095. Telephone: (603) 271-2147; fax: (603) 271-6588; or online: <http://www.des.state.nh.us/wetlands/>

- If planned trail construction and maintenance exceed the criteria outlined above, a *Standard Dredge and Fill Application* (see <http://www.des.state.nh.us/wetlands/pdf/stdapp.pdf>) must be completed and submitted to the DES Wetlands Bureau (and a permit obtained) for work in each affected community prior to any work in wetlands being initiated.

### **What types of projects require this notification?**

- ❖ Construction of a nature trail that involves the installation of a bridge with less than 3,000 square feet of impact to the stream's banks
- ❖ Removal of rocks that may be in wetlands where a trail crossing is (or will be) located
- ❖ Construction of a boardwalk in a wet area along the shoreline of a beaver pond that is susceptible to flooding
- ❖ Installation of stepping-stones in a stream to allow for dry passage by hikers
- ❖ Installation of a corduroy crossing along winter use trails to protect wet areas that are usually frozen, but may soften occasionally during the winter months

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If there are any questions regarding this page or any other section of the Guidebook, please contact Tim Drew, Administrator, DES Public Information and Permitting Unit, at [tdrew@des.state.nh.us](mailto:tdrew@des.state.nh.us) or at (603) 271-3306.